(1)

Supreme Court, U.S.
FILED

No. 98 1975 MAR 15 1999

OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1998

BARBARA A. BUGGS,
ET AL.
Petitioner(s),

v.

REGINALD L. TISDALE,
ET AL,
Respondent(s).

On Petition For Writ of Certiorari,
To The United States Court of Appeals,
Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

Barbara A. Buggs,
James T. Buggs
8801 Sudley Road
Manassas, VA 20110-9991
1(800) 530-5361 Petitioners

HRP

QUESTIONS PRESENTED

Brazen Buffonery, posted upon doors of the Court of First Instance, (Pike County Indiana's Circuit Court-Petersburg, Indiana); Openly and defiantly displayed powerfully degrading caricatures mimicking Dr. Martin Luther King, Jr., while creating profoundly visible Obstructions to Justice sought by Petitioners who had to pass through those buffonery-laden doors for a scheduled civil hearing.

The Judge which allowed that degradation would not respond to Petitioner's Letter which cited that degradation.

1. Did that degradation against the Honoree, Dr. Martin Luther King, Jr., and against persons of African American Ancestry or Color: Embrace outlawed [Institution of Segregation], Corrupt the Equal Access provisions of Law(s), and thereby Vitiate Equal Protection by Law(s), Equal Administration of the Law(s), and the Equal Justice guaranteed to all U. S. Citizens?

In "further defiance, that Judge ignored the (Payments & Conveyances) petitioners made to the Respondents; (nearly $100,000.00 to date), Ignoring Respondents Breached Agreements.

Court's Audio Recordings compromised. Judge denied Audio Copy of Hearing to Petitioners.

That Judge's departure from normal courses of adjudication, effected seizure of Petitioner's Real Properties and Personal Property thereon, while forcing these senior citizen petitioners to live in a vehicle, in the streets, since November 1998; bereft of nearly every possession while struggling to obtain "Genuine Justice as Promised Under the Law(s) of this Nation, to US Citizens."

2. Will this High Court "Again" Strike Down the [Institution of Segregation] and [Inherently unequal] violations of Constitutional and Civil Rights, for these Petitioners who are U. S. Citizens of African American Ancestry?

QUESTIONS PRESENTED

Embroilment between the parties, (Respondents and Petitioners), had onset at first agreement. Respondents have never provided what was bargain for and agreed upon by mutual endorsement.

Petitioners have paid and or conveyed to the Respondents and Respondents have received a total of about $100,000.00 in cash and values from Petitioners; all the whille, "Never receiving what was promised by respondents."

Under provisions of Constitutional Law and Due Process Guarantees to U. S. Citizens, [1] THE UNIFORM FRAUDULENT TRANSFER ACT, [2] and other State and Federal Laws, which provide for equal protection under the Law(s) for United States Citizens; Petitioners ask the following:

3. Are "all United States Citizens "without any regard to Origin or other such distinctions," entitled to adjudication under the Law(s)?

Although Petitioners in this case have continuously provided adequate documentation and have properly and timely petitioned the U. S. District Court (SDI-Evansville); that court had denied or otherwise failed to provide Equal Administration of The Law(s). Prime example of such is that of allowing Respondents full protection under the Law(s), while "No Lawful Corporation was actively authorized for the Respondents." At the same time, that court denied Petitioners all lawful protection, although Petitioners had properly provided court with written authoritative voluntary dissolution of Petitioner's Corporate Entity, for the explicit purpose of proceedings.

1 The Fourteenth Amendment to the U. S. Constitution has guaranteed all U. S. Citizens Equal Protection of the Laws. When the Lower Courts have denied such due process as would be proper in the circumstances, persons creating such variance were guilty of violating those XIV Amendment Rights.

2 THE UNIFORM FRAUDULENT TRANSFER ACT § 1(B)(3) lists types of consideration which may be due under "Claim" as Petitioners in this matter are entitled to.

QUESTIONS PRESENTED

Throughout the history of this nation, Decision [By the mere will of another] has continued, as Decisionmakers have been able to exercise such acts under the guise of law. The Petitioner's petitions filed in the U. S. Bankruptcy Court at Evansville, Indiana are likewise and without the proper protection as prescribed under the law(s).

Under 11 U.S.C. § 1301 (a) and Section 101 (7), Petitioner's Place of Residence is protected, but no protection was granted by the Judge of that Bankruptcy Court.

One interesting matter, if not conflict of interest, is that of Attorney R. S. LaPlante having been the Counsel for the errant lender who did actually steal the second mentioned home, with certain contents. Replacement value estimated to be $103,000.00 which was also a part of Debtor's Estate. After such theft was effected and after the court denied the proper relief under the law, Attorney LaPlante then dismissed himself from the representation for that errant lender and then became counsel for the Respondents in this case.

Judge of that Bankruptcy Court actually allowed one Respondent's Perjured Testimony to remain on Court Record, although Petitioner's Attorney had filed exhibits in open court from State of Indiana records, which showed that the Respondent was lying under oath in that Federal Court; but the Judge simply called a secret meeting in his chambers with Respondent's Counsel and Petitioner's Counsel, of which Petitioner's were denied access. The outcome of that meeting was yet another departure from justice and decision made against Petitioners, while upholding the Perjured Testimony of the Respondent; a white man.

Inhumane and cruel treatment transpired as the same Judge refused Petitioners access to urgently needed C.T. Scan Films needed for a scheduled Physician's review, after "Brain Surgery of the Petitioner." No reason provided Petitioners, as these and numerous other denials continue.

QUESTIONS PRESENTED

4. Did the Supreme Court of the United States Grant exception to the Bankruptcy Judge, to exclude these Petitioners who are Citizens of the U. S. and of African American Ancenstry; or has that Judge abdicated his Judicial duty of Administering the Law(s) without partiality? 1

In another Lower Court, the Judge of the U.S. District Court (located on the same floor in the same building as the aforementioned Bankruptcy Court), has not explained why this African-American Petitioner's timely and proper response was not file stamped upon receipt or within a reasonable period of time afterwards. Petitioner mailed response via U. S. Postal Service Express mail on August 18, 1998 and timely delivery was made, however; for reason(s) unexplained by that District Court, "The Petitioner's Reply was withheld from file stamp until August 26th, 1998; which is the same date Pike County Circuit Court issued Judgement against Petitioners, after such flagrant violations of Petitioner's Constitutional Rights and Civil Rights." Respondent's Fraud, Coercion, Deception, Concealment of Material Defects, Breach of Contract, Perjury and other Bad Faith Acts, all being ignored by that Court, although such was documented in timely and the proper manner in that case.

1 The Opinion delivered by Mr. Justice Matthews, in the case of Yick Wo v. Hopkins, 118 U.S. 356; 6 S. Ct. 1064; 30 L. Ed. 220 (1886), clearly shows that Judges are permitted, at their will and discretion, to reject or allow consideration to persons under the U. S. Bankruptcy Code, the U. S. Constitution and other Law(s).

Mr. Justice Matthews cited in that case:

[Any ordinance, however fair and impartial it may appear on the surface, if it be administered "with an evil eye and an unequal hand," is a denial of equal justice.]

[The idea that a man's livelihood depends on the mere will of another is the essence of slavery.]

[This was illegal discrimination, and the public administration which enforced it was guilty of a denial of equal protection of the laws, and a violation of the Fourteenth Amendment.]

QUESTIONS PRESENTED

Profusely entrenched wrongdoing in this case has been pervasive in the Lower Courts. The multiplicity of matters adjudicated without relief as prescribed under the law(s) continues to be without remedy at all levels of appeal.

Overlooking well documented facts and Perjury of Respondent's Testimony in Federal Court; no relief was provided by U. S. Court of Appeals.

The Chief Judge, presiding over Petitioner's Appeal, has authored books relative to Contracts and Prescribed Compensation to Injured Parties.

Promulgating ["Efficient Breach"], that Judge's authored books prescribe remedy to injured party in numerous forms, each of which identify with a premise that: "Respondent's Breach of Contract" should have left Petitioners in no worse condition than if Petitioners had not done business with the Respondents. That judge not only ruled against the promulgations of his writings, but against the numerous Laws and statutes which protect the Petitioners as injured parties.

Considerations to the Injured Petitioners should have been for Expectation Interest, Expectation Damages, Restitution Interest, Reliance Interest, Measure of Extent of Injury, Undercompensation, Loss of Expectancy, Purchaser's Rights to the Specific Performance by Law, Restitution, Consequential Damages, Liquidated Damages, Corrective Justice, Unjust Gain of Respondents, Unjust Impoverishment of Petitioners, or any number of other such considerations, however; absolutely no such consideration was made, despite the fact that Respondnets have received about $100,000.00 in cash and value from Petitioners, because while Respondents have never performed as promised.

The Paradox created through the U. S. Court of Appeals , (7th Circuit); may be akin to the Dred Scott Decision, with absolutely no Rights.[1]

1 Dred Scott V. Sanford, 60 U. S. (19 How.) 393, 15 L. Ed. 691 [1856], where Dred Scott was property and had no right of protection under the law(s); like petitioners also.

QUESTIONS PRESENTED

5. Can 7th Circuit U. S. Court of Appeals make decisions by the mere will of the Judge(s), and render the United States Constitution obsolete, after Judicial revision (as such) promulgated in books authored by that Court's Chief Judge, and deny Petitioners all relief, with sanction of Constitutional and Civil Rights violations as upheld and or created in the lower courts?

After suffering the "Theft of Two (2) homes in less than (2) years, in Racially Biased Southern-Indiana; these Two U. S. Citizens of African-American Ancestry have exhausted all known remedy and continue to be forced to reside in their vehicle in the dangerous streets, yet trying to obtain lawful consideration; Not simply the type of COUNTERFEIT JUSTICE as rendered by lower Courts, but as U. S. Constitution guarantees.

Petitioners to H.U.D.'s Offices up to and including the Secretary and Inspector General have documented this Theft, but to no avail. Even as the disclosure of such a faked default revealed by Inspector General was disclosed to the Office of the President, showing a fraudulent claim of $7K+, there was no relief for Petitioners.

The Chapter 13 Judge would not subponea the errant Noteholder (GreenTree) into his court. So THESE WEALTHY THEIVES EFFECTED CRIMINAL ACTIVITY AND REMAIN EVEN WEALTHIER! The periodical of some time ago disclosed their C.E.O. Salary of $65 Million Dollars yearly. So!

6. Have the lower courts compromised adjudication by permitting GreenTree to take Petitioner Home without "Due Process" as prescribed by the U. S. Constitution?

PARTIES TO THE PROCEEDING

Barbara A. Buggs, (FDBA) Angel's Haven, INC.
Petitioner

8801 Sudley Rd
Manassas, VA 20110-9991
(800) 530-5361

James T. Buggs, Guarantor
Petitioner

8801 Sudley Rd
Manassas, VA 20110-9991
(800) 530-5361

Reginald L. Tisdale, (FDBA) Seven Lakes Corp.
Respondent

6115 E. Raymond St.
Indianapolis, IN 46203
*Via Counsel of Record

John E. Deuser, (FDBA) Seven Lakes Corp. [1]
Respondent

7855 Clearwater Cove Drive
Indianapolis, IN 46240
*Via Counsel of Record

Robert T. Schumaker, (FDBA) Seven Lakes Corp.
Respondent

3060 N. Meridian St., # 101
Indianapolis, IN 46208
*Via Counsel of Record

*Respondent's Counsel, R. Stephen LaPlante, Atty
915 Main St., Suite 100
P. O. Box 3326
Evansville, IN 47732-3326
(812) 421-1911

[1] Seven Lakes Corporation was dissolved about one year prior to mutual endorsement of agreements; remained dissolved at all times in which each of the agreement(s) were endorsed, in violation of Ind. Code 23-7-1, et seq.

TABLE OF CONTENTS
(Roman Numerals)

Questions Presented	i thru vi
Parties to the Proceeding	vii
Table of Contents	viii
Table of Authorities Cited	ix thru xiii
Statutes and Rules	xiv thru xvi
Petition	xvii
Jurisdiction	xviii
Constitutional/Statutory Provisions	xix thru xx

TABLE OF CONTENTS
(Numerals)

Statement of The Case	1 thru 9
Conclusion	10
Appendice "A"	11 thru 12
Appendice "B"	13
Appendice "C"	14 thru 15
Rebuttal of Opinion (U.S.C.A.)	16 thru 17
Rebuttal of Opinion (U.S.Dist.Ct.)	18 thru 21
Rebuttal of Opinion (U.S.BankrCt)	22 thru 26
Rebuttal of Opinion (IN SupremeCt)	27
Rebuttal of Opinion (Pike Ckt Ct)	28 thru 30

INDEX TO LODGINGS*

*Lodging submitted seperately, with petition.
Alphabetical Index listing within lodging.

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

Yick Wo v. Hopkins, 118 U.S. 356; 6 S. Ct. 1064; 30 L. Ed. 220 (1886)

COROLLARY CASES

Henderson v. Mayor of New York, 92 U.S. 259
Chy Lung v. Freeman, 92 U. S. 275
Ex Parte Virginia, 100 U. S. 339
Neal v. Delaware, 103 U. S. 370
Soon Hing v. Crowley, 113 U. S. 703
Terrace v. Thompson, 263 U. S. 197
Truax v. Corrigan, 257 U. S. 312
Murphy v. California, 225 U. S. 623
Takahashi v. Fish and Game Commission, 334 U. S. 410
Oyama v. California, 332 U.S. 633
Truax v. Raich, 239, U. S. 33

ADDITIONAL CASES

Powell v. Alabama, 287 U. S. 45; 53 S. Ct. 55; 77 L. Ed. 158 (1932)

COROLLARY CASES

Betts v. Brady, 316 U. S. 455
Bute v. Illinois, 333, U. S. 640
Johnson v. Zerbst, 304 U. S. 458
Canizo v. People of State of New York, 327 U. S. 82
DeMeerleer v. Michigan, 329 U. S. 173
Carter v. Illinois, 329 U. S. 173
Norris v. Alabama, 294 U. S. 587
Smith v. O'Grady, 312 U. S. 329
Gideon v. Wainwright, 372 U. S. 335 (1963)
LaValle v. Durocher, 377 U. S. 998 (1964)

-continued on next page-

ANCILLARY REFERENCE:

The Opinion delivered by Mr. Justice Matthews in the case of Yick Wo v. Hopkins, 118 U. S. 356; 6 S. Ct. 1064; 30 L. Ed. 220 (1886) clearly shows that Judges are permitted, at their will and discretion, to reject or allow consideration to persons under the U. S. Bankruptcy Code, the U. S. Constitution and other law(s). Mr. Justice Matthews cited in that case:

> [Any Ordinance, however fair and impartial it may appear on the surface, if it be administered "with an evil eye and an unequal hand," is a denial of equal justice.]
> [The idea that a man's livelihood depends on the mere will of another is the essence of slavery.]
> [This was illegal discrimination, and the public administration which enforced it was guilty of a denial of equal protection of the laws, and a violation of the Fourteenth Amendment.]

Fed. R. App. 4.(b)(II) Appeals from Dist.Court

(3) Effect of Certain Post-Judgement Motions.

If any of the motions listed below is timely filed, the time for appeal does not begin to run until entry of the order disposing of the last such motion outstanding. Fed. R. App. P. 4(a)(4). Cf United States EEOC v. Gurnee Inn, Inc 956 F.2d 146, 149 (7th Cir. (1992) 1

Additionally, all motions that substantively challenge the judgement, filed within 10 business days, see Fed R. Civ. P. 6(a), of the entry of judgement will be treated as based on rule 59, "nomatter what nomenclature the movant employs." [Lac du Flambeau Band of Lake Superior Chippewa Indiana v. Wisconsin, 957 F2.d 515, 517 (7th Cir.1992); see also: Lentomyynti Oy v. Medivac, Icn., 997 F.2d 364, 366, (7th Cir. 1993); Charles v. Daley, 799 F. 2d343, 347, (7th Cir. 1986). An appeal from the order disposing of any such post-judgement motion brings up for appellate review all orders (except those that have become moot) that the trial court previously rendered in the litigation. In re Grabill Corp., 983 F.2d 773, 775-76 (7th Cir. 1993).

1 Of substantive challenge is the motion which the petitioners filed with the U. S. District Court via "Express Mail" postmarked on August 18th, 1998. Said motion was timely delivered to the Clerk's Office of that Court, however; for some unknown reason, which has not been explained by that Court; "The petition was delayed eight (8) days, prior to being file stamped," August 26th, 1998.

Of further reference is the fact that the relief which the U. S. District Court should have "by law" but did not grant, was withheld until the date of August 26th, 1998 (the same date that the Pike County, Indiana Circuit Court issued the errant Judgement against the Petitioners and in favor of the Respondents, after the false information was filed on behalf of Respondents in that Court.) Petitioners did file timely objections to the false information aforementioned, however; the court ignored such facts to continue with the errant and unjust decision(s).

TABLE OF AUTHORITIES CITED

STATUTES AND RULES:

The Fourteenth Amendment to the U. S. Constitution; In Short: The procedural guarantees of "Due Process" prescribes the manner in which the government may deprive persons of their life liberty, or property.

The Civil Rights Act of 1871 (17 Stat. 13.) [42 U.S.C.A. § 1983] Authorizes individuals to enforce the provisions of the Fourteenth Amendment against State Governments. Under this clause, state courts may not interpret laws differently than does the Supreme Court.

Article VI (SUPREMACY CLAUSE) makes the U. S. Constitution, federal laws and treaties "The Supreme Law of the Land."

OTHER

Economic Analysis of Law , 130-132 (4th Ed. 1992), Authored by Richard A. Posner: [When a court decrees specific performance, it orders the party who has borken the contract to perform, on penalty of being held in contempt of court if he does not.] 1

1 ECONOMIC ANALYSIS OF LAW, 4th Ed., Authored by the same Judge that denied Petitioners consideration as prescribed by Law and also promulgated by the author * *"his book which outlines the types of compensation(s)" due the injured parties. Richard A. Posner, Author; is the Chief Jduge of the U. S. Court of Appeals (7th Cke.) who also denied Petitioners protection under the law(s).

TABLE OF AUTHORITIES CITED

STATUTES AND RULES:

Financial Institutions Anti-Fraud Enforcement-
Act of 1990, 12 § 4201 et. seq.

Bias or Prejudice,
Hate Crimes Statisticts Act, 28 § 534

Civil Rights Restoration Act of 1987
20 § 1681

Corrupt Organizations, Criminal Law, Racketeering, 18 § 1961

Court of Appeals, (7th Circuit) Rule 41,
Administrative Orders, Stay of Mandate or
Stay of Execution of Judgement

Rule 40, Rehearing Petitions

Rule 50, District Judge to give reason for
dismissal of claim or granting summary judgement

Crimes and Offenses, Forfeiture, 18 § 982

Default Judgement, U. S. Claims, Ct Rule 55

Activity of Daily Living, Natl. Affordable Housing Act, 42 § 8011

Attorney General, Authority, Administrative-
Remedies for false claims and statements,
31 § 3801

False Claims Ammendments Act of 1986
31 § 3701

False Claims Law-Civil Investigative demands,
31 § 3733

Fair Housing-
Administrative Enforcement, 42 § 3610
Attorney General Enforcement, 42 § 3614
Secretary H.U.D. Enforcement, 42 § 3612
Evidence, 42 § 3611
Subponeas, 42 § 3611

Crime Control Act of 1990,
False Claims, Jurisdiction, 31 § 3732

Freedom of Information Reform Act,
5 § 552

TABLE OF AUTHORITIES CITED

STATUTES AND RULES:

Government Ethics, 5 Appx § 50

Government, Financial Institutions Anti-Fraud Enforcement Act Ammendment of 1990, 5 Appx § 50

Judicial Discipline and Removal Reform Act of 1990, National Commission on Judicial Impeachment, 28 § 372

Major Fraud, 18 § 1001, note 1031

Program Fraud-Civil Remedies,
Civil Penalties & Assessemnts, 31 § 3806

Judicial Review, 31 § 3805
Reports, 31 § 3810
Subponea Authority, 31 § 3804

Racketeering, 18 § 1961
Property derived from, 18 § 1857

Judicial Improvements and Access to Justice Act, 28 § 1

Bankruptcy Rule 9003 (a), Ex Parte Contacts

Bankruptcy Rule 9015 (b), Jury Trials 28 USC 157 § (e)
Bankruptcy Rule 9019, Compromise and Arbitration, 90019 (a), (b), (c).

Title 11 § 1125, Post Petition Disclosure and Solicitation

Title 11 § 362, Automatic Stay

Title 18 § 157, Bankruptcy Fraud

Rule 7023.1, Derivative Proceedings by Shareholders

Bankruptcy Evidence, Admissibility, Sound-Recording, BKR R5007

Evidentiary Effect, Proof of Claim, BKR R3001

Fraudulent Claim, Proof of Claim, BKR R3001

Conflict of Interest, FCRVP R28

TABLE OF AUTHORITIES CITED

STATUTES AND RULES:

Contested Matters, BKR R9004

Damages, Reorganization Plan Impairment, 11 § 724

Punitive Damages, § 510, Subordination

Personal Property, 11 § 722

Trustee, 11 § 704, Duties

Party in Interest, Authority to Act Personally or by Attorney, BKR R9010

Party in Interest, Move for Reconsideration of Order allowing or disallowing claim against Estate, BKR, R3008

Perjury, On Behalf of Croporation or Partnership BKR R, F2

Complete Inventory of Property by Trustee, Duties, BKR R2015

Sanctions, Document signed in violation of rules, BKR R9011

Filing of Record with Clerk, BKR 5005

Special Matters, Adversary Proceedings, BKR R7009

Power of Attorney, BKR R9010

Prohibition of Ex Parte contacts with Bankruptcy Judge, BKR R9003

Court Determination of Value of Claims secured by lien on property in which estate has an interest,BKR R3012

Substantial Abuse after hearing, BKR R1017

Claims Secured by Lien on property of Estate, BKR R3014

Qualification by Trustee; Proceeding on Bond, Rule 2010 (b) Proceeding for Breach of Condition

Exceptions to Procedural Rule, Trustee's, Rule 7017

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1998

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW

[X] For cases from federal courts:
The opinion of the United States Court of Appeals appears at Appendix A and
[X] is unpublished.

The opinion of the United States District Court appears at Appendix B to the petition and
[X] is unpublished.

[X] For cases in state courts:
The opinion of the highest state court to review the merits appears at Appendix C to the petition and

[X] is unpublished.

JURISDICTION

[X] For cases from Federal Courts:
The date on which the United States Court of Appeals (7th Ckt) decided my case was November 30, 1998.

[X] A timely petition for rehearing was thereafter denied on the following date: December 16, 1998 and a copy of the order denying rehearing appears at Appendix "A".

The date on which the United States District Court (SDI-Evansville) decided my case was September 14, 1998 for # 1 of 3 cases appealed to that Court; Case # EV 98-110-C-Y/H

The date on which the United States District Court (SDI-Evansville) decided my case was December 10, 1998 for final Judgement; Three (3) case numbers:
EV 98-110-C-Y/H
EV 98-129-C-Y/H [1]
97-70476 BHL-11 [2]

1 Petitioners timely filed request for clarification of the three different case numbers, via Express U. S. Mail on Aug 18th, 1998, however; the court did not File Stamp request until eight (8) days afterwards, on August 26th, 1998. No reason was given to the Petitioners for such unreasonable delay, although the Express Mail was timely delivered.

2 Matters which the Petitioners presented for consideration by the U. S. Dist. Court showed that Petitioner's Corporate Entity was voluntarily dissolved and a copy of the Certificate of Dissolution was timely filed with that Court. Said Court departed from normal course of Adjudication by denying the Minority (African-American) Petitioners Equal Protection under the Law(s); denying the Injunctive Relief which by-Law should have issued. Further departure from the normal course of Adjudication was made as said Court denied the Petitioners Equal Administration of the Law(s) upon Petitioners Voluntary Corporate Dissolution. No reason was provided by the Court for these Denials to which Petitioners as U. S. Citizens should have received, but did not in any way have.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Supreme Court has interpreted the Due Process Clauses of the Fifth and Fourteenth Amendments to have substantive content "in addition to their procedural content."

Procedurally, due process prescribes the manner in which the government may deprive persons of their life, liberty or property.

In Short: "The Procedural guarantees of due process entitle litigants to fair process."

Substantively, the Due Process Clauses of the Fifth and Fourteenth Amendments protect persons from legislation infringing on certain individual rights. Such individual rights may be espressly enumerated in a constitutional provision, as are the liberties that are enumerated in the Bill of Rights and have been incorporated into the Due Process Clause of the Fourteenth Amendment.

Since Dred Scott v. Sanford, 60 U. S. (19 How.) 393, 15 L. Ed. 691 [1856], where the Supreme Court recognized a slave owner's property interest in his slaves, the Due Process Clauses have been interpreted to protect other liberties that are not expressly enumerated in any provision of the federal Constitution.

These enumerated rights have been derived from Supreme Court Precedent, common law, history and moral philosophy. Such rights "represent the very essence of ordered liberty" and embody "principles of justice so rooted in the traditions and conscience of our people as to be ranked fundamental" (Palko v. Connecticut, 302 U. S. 319, 58 S. Ct. 149, 82 L. Ed. 288 [1937]).

Brown V. Board of Ed. 873 (1954), The Supreme Court declared that the institution of segregation is inherently unequal, while Title Vii of the Civil Rights Act of 1964 (Pub. L. No. 88-352) lends further supportiveness against unfair treatment.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment to the U. S. Constitution prohibits Governemnt from performing unreasonable searches and seizures and from issuing warrants on less than probable cause.

The procedural requirements of the Fourth Amendment protects homes, papers, and other personal belongings in which an individual can demonstrate a "reasonable expectancy of privacy" (Katz v. United States, 389, U. S. 347, 88 S. Ct. 507, 19 L. Ed. 2d 576 [1967]).

The Fifth Ammendment to the U. S. Constitution offers procedural safeguards. The right to be apprised of many of these precedural protections "during custodial police interrogations," through what are known as Miranda Warnings, is derived from the Fifth Amendment (Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16L. Ed. 2d 694 [1966]).

Due Process Clauses of all the liberties protected by the Bill of Rights. The Fifth Amendment also provides that no person shall be deprived of "Life, Liberty, or Property without due process of Law".

The Due Process Clause of the Fifth Amendment guarantees litigants the right to be informed of any legal action being taken against them, and the opportunity to be heard during a fair proceeding in which they may assert relevant claims and defenses.

The Sixth Amendment to the U. S. Constitution provides a panoply of procedural protections for criminal defendants. Under the Sixth Amendment defendants are entitled to notice of any criminal accusations against them. The Sixth Amendment "guarantees the right to a Jury Trial for all crimes more serious than a petty offense.

The Seventh Amendment to the U. S. Constitution guarantees the right to a Jury Trial in civil "Suits at common law."

STATEMENT OF THE CASE

Beneath such myriad matters of this case is the fact that The State Statute governing the Corporations operating in Indiana (IC-23-7-1) et seq, and as added by P.L. 179-1991, Sec .1; Corporations are not allowed to transact business without being in the proper authority of the Indiana Secretary of State. Petitioners discovered in late 1996 that the Respondents had been unlawfully representing themselves as a Corporate Entity, as their corporation was dissolved about one year prior to the endorsement of the first agreement with Petitioner. Thusly, by law; no agreement endorsed by the Respondent is lawful or enforceable at law.

9 U.S.C. 2 prescribes determinations for such contracts, as to rather they are valid, enforcable or irrevocable at law or in equity for the revocation of such. The October 27th, 1994 Agreement endorsed by Respondent is thusly unlawful, as was the fact that the Respondent accepted a sum of $21,500.00 from the Petitioner as payment in that agreement toward purchase of the subject land. Shortly thereafter, Respondent, without knowledge of and agreement with Petitioner, sold 5 acres from the subject land to a 3rd party. Respondent, may have been intoxicated, as was reported by the purchaser to Petitioner. After having made that unlawful sale, Respondent called Petitioner and ordered a meeting at the land for endorsing a new agreement made by his Attorney; something not previously agreed upon. Petitioners met with Respondent R. L. Tisdale at property but noticed several changes in the new agreement. Reluctant to endorse such, Petitioner was coerced by Respondent Tisdale who stated, Quote: "TAKE IT OR LEAVE!" E. Q. Such as the first agreement having a peculiar forfeiture provision, the Petitioners would have forefited a sum of $21,500.00 if that agreement was not completed; despite the Fraud, Deception and the Coercion by Respondent Tisdale.

STATEMENT OF THE CASE

With the (October 27, 1994) Original Agreement being returned endorsed by U. S. Mail, Respondent is subject to Criminal Prosecution for Mail Fraud Under USC 18 § 1346. With the acts of deception, as perpetrated against Petitioner; Respondent Tisdale is also chargable for Fraud pursuant to Small Business Misrepresentations USC 15 § 645 et seq. and the Crimes Control Act of 1990. Further reference is made to the matter of Fraudulent Transfers as defined under USC 28 § 3301 et seq. concerning the transfers made deceptively and while said purported corporate entity of Respondent was dissolved. Further prohibition by such acts of the Respondent are outlined in USC 18 § 1961, Exec. Ord. 12610.

During the month of April 1995, there occurred a "Major Dam Failure" upon the 36 Acre Lake on the subject property. The Dam Failure was the direct result of negligence of the Respondents, as the Principal Spillway-Failure occurred after the State of Indiana's regulatory agency; The Indiana Department of Natural Resources had directed the Respondents to repair the badly-deterioriating spillway, through a series of inspection reports, for on-site inspections made by D.N.R. Inspector. Some such inspections dated back to about 1988, where the failure of that principal spillway was warned, should the Respondents neglect to repair the conditions as reported to them in said inspections. No such proper repairs were made by Respondents.

The agreement(s) endorsed by Respondents stated that there were no existing notices or any reports or other such notices relative to the land and that Respondent had no knowledge of any defects relative to the land, as would be reported by such notice. That representation was untrue; as aforestated there were years of such notices, back to about 1988. Such misrepresentation did constitute what the law refers to as Concealment of Material Defect. Such being additional reason for action against the Respondents for Fraud.

STATEMENT OF THE CASE

Although the Respondent's agreement listed the Respondent (Seller) as responsible for all damages until closing; (which was scheduled to be at a later date); Respondent Tisdale would not acknowledge such during the phone conversation Tisdale made to Petitioner James Buggs on the day that the Dam Failure occurred.

Subsequent to such incidents, Respondents attempted to force a closing, without their ever having provided what was bargained for and as promised. Letters from Respondent's Counsel made threats of eviction, and Petitioners made replies to disclose such facts as referenced in this statement, however; Respondents were intent upon creating a default and forcing the Petitioners from the property. Petitioners made numerous attempts in written form to Respondents seeking resolution, but to no avail. Finally, and after considerable delay; Respondents agreed to be responsible for repairing the Dam.

In late summer of 1995, Respondent Tisdale did mail a copy of the engineering specifications for the Dam Repair to Petitioners. The elaborately blueprinted plan showed detail for the materials and the workmanship as prescribed by Engineer. After delays and late that year (1995), repairs were started. Within a few short days, the contractor reported, QUOTE: "All work Completed." E. Q., however; Such was not true. Upon Petitioners making a visual-cursory inspection of the repaired Dam site; visible defects were noted which deviated from the prescribed repairs in the Engineering Plan. The observed "external defects" were reported to Respondent Tisdale in proper written form and after some delay, Respondent Tisdale Telephoned Petitioner James Buggs, but stated that he did not believe that the Contractor or Engineer that he had selected for the repairs would return to make any further repairs. Petitioner notified Contractor & Engr; both would not respond.

STATEMENT OF THE CASE

Because of the Dam, "Even if such was in a proper state of repair," there is considerable risk and assumed liability for the owner-operator. Because of the depth of the lake; 27 Feet, and because of the height of the Dam, being in excess of 21 Feet; State and Federal Rules classify such structures a "SIGNIFICANT HAZARD." Thusly, Petitioners made other efforts to have the matters resolved. Letters were sent to the Army Corps of Engineers, Indiana D.N.R. and to the Federal Emergency Management Agency. The Corps of Engineers made a prompt reply and citing the fact that an on-site inspection could not be made, as the structure (dam) was located on private property, however; contact was made on behalf of the Petitioners to D.N.R. and a letter of that detailed inquiry forwarded to these Petitioners. D.N.R. later dispatched their own inspector to the site and as inspection was made by the same inspector who had for several years documented the deficiencies and safety problems to the respondents, made the inspection. Both petitioners were present (on site) for that inspextion, and asked questions and further did also point out to that inspector the deficiencies of that improperly repaired Dam. As Petitioner Barbara Buggs asked Inspector Ernest Vandiver "How the State of Indiana could allow such hazards to be unrepaired for so many years and then result in such a Dam Failure;" the inspector's reply was one of a rhetorical nature, and as he turned to walk away to another area (as if to make further inspection, but in all probability to avoid any further such questions), he simply stated to her "THAT'S A GOOD QUESTION!" It seemed quite apparent that Inspector Vandiver obviously knew more than he would discuss; "as if there had been some clandestine activity to avoid the Dam being properly repaired." D.N.R.'s report was subsequently forwarded to Petitioners and that report referenced some visible defects while such was meticulously avoiding the inherent dangers.

STATEMENT OF THE CASE

Subsequent to the aforementioned letters to Army Corps of Engineers, D.N.R. and FEMA; Engineer and Contractor who had performed the repairs contacted Petitioners. An on-Site inspection was made with the Petitioners present as Douglas Stradtner, Engineer and Robert Deputy, Contractor viewed the visible defects. They (Engr. & Contr.) promised to return to make repairs to the Dam, however; never did return to make said repairs.

A Lawsuit was filed by Petitioners in the local Circuit Court listing the Respondents, the Engineer and the Contractor as Defendants. Petitioners encountered numerous acts by the Court officials, which were attempts to discourage, confuse and otherwise persuade the petitioners to drop that lawsuit. Some of the actions were downright unlawful; tampering with the petition, to make it appear as if the petition had not been signed, when the copy made from the original had a signature. The explanation from the clerk's office related that the petition had been accepted in error and also instructed petitioner to mark out the file-stamp which was on petitioner's copy. Quite interestingly; the copy returned from the clerk's office, was copied on a different type of paper, although it was purported to be the same copy filed with that court. Mention was made of this to the Presiding Judge of that Court, Marvin J. Stratton, but no response was made to petitioners. Later meeting between attorney of petitioners and attorneys for the engineer and the contractor were held. From such meeting, it was decided that an on site inspection would be made and that a claim would be processed with the contractor's insurance carrier. On the day that the Engineer and Contractor came to make their on-site inspection; the Petitioner arranged for another (independent) state-approved Engineer to be present and Darryl Veach, Engineer was present.

During that inspection, Engineer and Contractor actually placed a flourescene tracer-dye in the water at the site of the underground spillway pipe which was found by petitioner's associate who inspected the Dam. The old spillway pipe was to have been removed by Contractor and the area from that removal to be filled and compacted with prescribed quality of fill material. Such was not done, instead; the old pipe was filled with large (approx 18 In x 12 In x 8 In Rock) rip-rap as used along the shoreline of the Dam.

Engineer Stradtner did not see the dye material immediately, however; some time later, the lowest portions of the water flowing from the Dam Spillway were observed and that trace material was noticable. This indicated that the defects caused by the contractor's failure to remove that old spillway piping were allowing the water to move through that old pipe and into and along the newly installed piping, while eroding-away the earthen material along the outside of the newly installed pipe. Such a condition was the cause of the Major Dam failure, except the leak was caused by the former spillway deterioration rather than from an alternate source, and the water leaked into the pipe from the outside, as compared to the water now leaking from the remote pipe, then underwater.

Although the Contractor and Engineer did promise to return to repair these defects, such was not done. The condition has progressively worsened and the area above the spillway pipe newly installed has been observed by the petitioners as beginning to cave in over and around that 30 Inch Pipe. These indications are such that premature failure is imminent, and may come at any time without warning.

Petitioners provided Respondents with the information as referenced above in written form with request for assistance in resolution, however; no assistance or resolution has occurred.

STATEMENT OF THE CASE

Petitioners were stunned, upon arriving at the Pike County Indiana Circuit Court, as Buffonery depicting Dr. Martin Luther King, Jr. in a very degrading manner, was posted upon the Doors of that Courthouse. Those were the same doors which the Petitioners were required to pass through as "Justice and Equal Protection under the Law(s)" was sought. Petitioner James Buggs forwarded a letter, via certified mail, return receipt, restricted delivery to Judge Stratton and in said letter disclosed the unlawful action of such posted degradation, however; no response was received from that letter except the return-receipt from the post office indicating that Judge Stratton was personally delivered said letter and that his signature was upon that receipt.

Further compromised records were made as the court dismissed the case, stating that the Petitioners had not responded to the Court, while the fact is that "The petitioners did respond and in proper timeliness, but as previously experienced; there was compromise of the Court's records, in a futile attempt to create an appearance that the petitioners had not filed, while receipts of mail show to the contrary; petitioners did file.

The matter was later carried forward into the Chapter 11 Corporate plan for reorganization, and the case timely and properly filed in the Evansville, IN Court, after no resolution could be made with Respondents who had never provided what was promised and bargain for.

It was in the Chapter 11 hearing that Respondent John E. Deuser gave Purjured Testimony as he was on the Witness Stand and Under Oath. Deuser testified that he had never received any type of notice(s) from D.N.R. or any other such agency of government concerning the subject property. That statement was untrue, as in the same hearing, copies from the D.N.R. records at Indianapolis were presented as Exhibits which clearly showed that Deuser "Lied Under Oath."

STATEMENT OF THE CASE

Petitioners obtained a written estimate from Engineer Darryl Veach, who had inspected Dam and also returned with Contractor Deig. The estimate for removing the improperly installed materials (Earthen and Piping) and replacing the materials as necessary for the safe operation of the Dam is now anticipated to cost about $35,000.00 to $40,000.00 per their calculations.

Relief was sought in the Pike Circuit Court where the matters of the failing dam were presented by Petitioner James Buggs, however; the recording equipment for the Court Reporter in that hearing was remotely stopped by someone "to the suprise of the Court Reporter, who did actually begin to jump-up from her seat as the recorder made a loud-click sound when stopped remotely." Noticing the alarm to the Court's Reporter and the flushed face of Judge Stratton, Petitioner James Buggs asked the reporter and the Judge if the hearing was yet being taped, neither answered and the court's reporter remained at her normal table, but made no obvious indications that the recording was being made. Nevertheless, Petitioner's summarized statement concerning the Respondent's Fraud, Deception, Concealed Material Defects, Coercion and other Bad Faith acts by the respondent as prepetrated upon the petitioners was continued and completed. Upon that hearing ending, Petitioners did request a copy of the audio recording of that hearing, but were denied such by the Court's Reporter. A proper written form in accordance with the Freedon of Information Act was delivered to Judge Marvin Stratton who presided over that hearing, but the request was denied. The Judge, realizing that the testimony was not on tape, instead replied that a transcript of the Court Reporter's Written Report was the only report that would be available. Previously and frequently compromised records of that court precluded ordering such transcript.

STATEMENT OF THE CASE

Although the disclosures in the previous pages show deviations from the normal courses of prescribed adjudication; "The complete disclosure being further enhanced by the Lodging provided with this petition" show cause for protection as prescribed by law for these African-American Petitioners; something which has not been provided in any of the lower courts.

At this point and time in the lives of these Petitioners, who are now about 60 years of age, retired and definitely in need of residence; it is indeed remarkable as to how White People have been able to go into court and tell lies against these Black Petitioners and receieve such wrongful considerations, to the point of having stolen two homes in less than two years, from them and now having rendered them homeless! Over $360K lost!

The literal nightmares of living in the streets in a vehicle is obviously something that Judges could not relate to, but should come to understand "through whatever means necessary!" No one could properly adjudicate such haneous crimes of hate, fraud, deception, coercion and other such incorrigible acts, without clear and precise understanding of what has actually been done to the minds, bodies and spirits of these people. Such inhumane decision as rendered in the Dred Scott Case, where a Black Man had no rights whatsoever, seems to be tantamount to the decision making of this case, although the law(s) specifically state that such Constitutional Guarantees are for "All" United States Citizens.

Until such time as this High Court shall Strike Down such errant Rulings by the Lower Courts, "Americans of Color will continue to lose their assets (as in this case two lifetimes accumulation) by these two petitioners; all such being opposed to the Laws of this Land.

Bosnia's Ethnic Cleansing has brought this nation to arms, while things such as disclosed in this case continue to exist; "hypocritically."

CONCLUSION

The Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

Barbara A. Buggs

Barbara A. Buggs, Petitioner

James T. Buggs

James T. Buggs, Petitioner

Declaration Under Penalty of Perjury:

I, We, the undersigned Petitioners, Do hereby declare, under penalty of Perjury and Pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of our knowledge and ability, on this 3rd day of June 1999.

Barbara A. Buggs

Barbara A. Buggs, Petitioner

James T. Buggs

James T. Buggs, Petitioner

APPENDIX "A"

UNITED STATES COURT OF APPEALS
for the Seventh Circuit
Chicago, Illinois 60604

December 16, 1998

Before
Hon. Richard A. Posner, Chief Judge
Hon. Joel M. Flaum, Circuit Judge
Hon. Diane P. Wood, Circuit Judge

In Re: James T. Buggs and Barbara A. Buggs, formerly doing business as Angel's Haven Inc., Debtors-Appellants

No. 98-3680

) Appeal from the United
) States District Court for
) the Southern District of
) Indiana, Evansville
) Division.
)
) No 98 C 110
) Richard L. Young,
) Judge

In Re:
James T. Buggs and Barbara A. Buggs,
Petitioners.

No. 98-3852

) Application for Writ of
) Mandamus and Prohibition
) Southern District of
) Indiana, Evansville.
)
) No 97 C 70476
) Richard L. Young,
) Judge
)

[continued on next page]

[continued from previous page]

The following is before the court:

1. Emergency Petition for Rehearing, filed on December 4, 1998, by pro se debtors-appellants, petitioners.

2. Emergency Request for Rehearing or Decision, filed on December 8, 1998, by pro se debtors-appellants, petitioners.

IT IS ORDERED that # 1 and # 2 are DENIED. All other requested relief and pending motions are DENIED.

APPENDIX "B"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

BARBARA A. BUGGS and JAMES T. BUGGS, Appellants	)	
vs.	)	EV 98-110-C-Y/H
REGINALD L. TISDALE and JOHN E. DEUSER, et al., Appellee.	)	

ENTRY

The court has considered the renewed request of appellant Barbara A. Buggs for consideration. This "renewal of request" was filed on December 4, 1998 and represents Barbara Buggs' renewal of "requests as previously filed."

The renewal of request filed on December 4, 1998 is denied. The reason for this ruling is that the court has properly and timely acted on all matters presented in this action. There has been no error any ruling shown, nor any basis argued on which to grant relief from the final judgement in this action.

IT IS SO ORDERED.

"Signed"
Richard L. Young, Judge
United States District Court

DATE: Dec 10, 1998

Appendix "C"

In The Indiana Supreme Court

State of Indiana ex rel., Buggs, Barbara, et al relators,	)	
v.	)	Cause No. 6350-
Pike Circuit Court, et al., respondents	)	9812-OR-814

Order Dismissing Original Action

James T. Buggs, pro se, has submitted a "Emergency Petition for Writ of Prohibition and Writ of Mandamus" and accompanying application papers. Relator seeks relief under provisions of the Rules of Precedure for Original Actions. The relator's pleadings are procedurally deficient in that they do not comply with the rules in many respects. Most notably, the application papers do not include a certified copy of the record of proceedings. Original Action Rule 3(C). However, the Court looks past the procedural defects and addresses the original action requested on the merits.

Taking the allegations of the application papers as true, the relator fails to show the respondent trial court has exceeded its jurisdiction or the failure to act when under a duty to act. Original Action Rule 3(A)(3). Because the relator seeks an unquestionably inappropriate remedy under the rules and law governing writs of mandamus or prohibition, this original action is DISMISSED. The relator is reminded that no petitions for rehearing or motions to reconsider are allowed to be filed. Original Action Rule 5(C).

[continued on next page]

Appendix "C" [continued from next page]

The clerk is directed to send a copy of this order to James T. Buggs, P. O. Box 1, Winslow, Indiana, 47598-0001; to Pike Circuit Court; to the Honorable Marvin J. Stratton; to all counsel of record; and to Jeffery Modisett, Attorney General of Indiana.

Done at Indianapolis, Indiana this 21st day of December, 1998.

"Signed"
Randall T. Shephard
Chief Justice of Indiana

REBUTTAL OF OPINION(S)

Petitioners reference the opinion rendered by United States Court of Appeals (7th Circuit), Case Number 98-3860.

The U. S. District Court case(s) being appealed to the U. S. Court of Appeals (7th Circuit) involves three (3) cases, as listed below:

Case Number EV 98-110-C-Y/H
EV 98-129-C-Y/H
97-70476 BHL-11

each of which are designated in the U. S. District Court (SDI-Evansville) and in the U. S. Court of Appeals (7th Circuit) Chicago, Illinois.

Earlier in the processes, Petitioners encountered what is considered to be errant action (if not the deliberate malfeasance) which is carried forward in the consideration of this case.

Very clearly and in direct opposition to the prescribed procedures of the Court, the clerk's office of the U. S. District Court (SDI-Evansville) did not promptly or properly provide the Appellants with a copy of the Court's Order of July 15, 1998. Although the subject order was entered in the court's record on July 15, 1998; for reasons never explained by that court, the envelope in which the order was mailed to Appellants was not postmarked until July 20th, 1998. No reason for the five (5) day delay was given by that court. Although the envelope was postmarked July 20, 1998, appellants are uncertain of actually what date the item was actually mailed, as the postmark was not that of active mailing, but only a metered postage machine by use of the Court's Office Personnel. Thusly the date can be arbitrary and at the discretion or will of the person using said postage machine, the dates may be entered to "any desired setting", rather such be correct with chronology or errant to the desired date of the postage machine operator."

Petitioners have timely filed motion(s) with the U. S. Bankruptcy Court, The U. S. District Court and other Court(s) wherein said motions substantively challenge the judgement(s).

In accordance with Fed. R. Civ. P. 6(a), of the entry of judgement will be treated as based on rule 59, [no matter what nomenclature the movant employs.] 1

Thusly, as precedents and this high Court have recognized; Petitioner's actions are to be deemed as timely, and the Appeal made to the 7th Circuit should have been considered, as also the various types of compensation as promulgated by the Chief Judge of that Court of Appeals in his authored books which specifically reference the injured parties and how they should not be left in worse condition after [Efficient Breach] of Contract(s).

With the homelessness of these Petitioners, the precepts and intent of established law(s) and also the precepts and intent of the "Judicial Revisionism" as that of the 7th Circuit's Chief Judge, are something tantamount to "Double Standards" which have not properly been applied for these Petitioners of African-American Ancestry.

Such exclusions of the law, and the resultant unjust enrichment of the Respondents in this case bring further suspicion that there may have been some form of unlawful activity to prompt those who judge in the lower courts to depart from the normal and proper courses of adjudication. The account of the Late Judge Wilson, who took his own life after such unlawful activities, is further shown in the lodging of this case, with peculiar similarities.

1 as in [Lac du Flambeau Band of Lake Superior Chippewa Indiana v. Wisconsin, 957 F.2d 515, 517 (7th Cir. 1992) see also [Lentomyyntic Oy V. Medivac, Inc., 997 F.2d 364, 366 (7th Cir 1993); Charles v. Daley, 799 F.2d 343, 347 (7th Cir 1986). An appeal from the order disposing of any such post-judgement motion brings up for appellate review all orders (except those that have become moot) that the trial court previously rendered in litigation. In re Grabill Corp., 983 F.2d 773, 775-76 (7th Cir. 1993).

REBUTTAL OF OPINION(S)

Opinion Rebutted:

United States District Court
Southern District of Indiana
Evansville Division, 3rd Flr.
101 N. W. Martin Luther King, Jr. Bl.
Evansville, IN 47708
Case Number(s) EV 98-110-C-Y/H
EV 98-129-C-Y/H
97-70476 BHL-11
Richard L. Young, Judge

Southern District of Indiana's U. S. District Court has knowingly failed to provide Petitioners protection provided under the Constitution.

Amendment VII Provides U. S. Citizens to a Trial, Witnesses, etc., however; Petitioners did not receive a protection in accordance with the Common Law which provides that: [In suits at Common Law, where the value in the controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.]

The Supreme Court has selectively incorporated the Bill of rights into the Due Process Clause of the Fourteenth Amendment with substantive content in addition to procedural content. Procedurally, due process prescribes the manner in which the government may deprive persons of their life, liberty or property. In short, the procedural guarantees entitled these litigants to fair process, such was not received in that United States District Court.

Such Supreme Court precedent, common law, history and moral philosophy have preserved these rights for all United States Citizens, as "the very essence of ordered liberty" and as embody [principles of justice so rooted in the traditions and conscience of our people as to be fundamental.] 1

1 (Palko v. Connecticut, 302 U.S. 319, 58 S Ct. 149, 82 L. Ed. 288 [1937]).

REBUTTAL, United States District Court
Continued

The U. S. District Court (SDI-Evv, IN) did also deny Petitioners "Equal Administration of the Law(s)" in that Respondents had unlawfully represented to Petitioners that Respondents were a Corporation. The fact of that matter is that "Respondent's Corporation had been dissolved about one year prior to their endorsement of the Agreement with Petitioner.

The State of Indiana's Secretary of State issues Corporate Certification under authority of Indiana Code 23-7-1, et seq., and as added by P. L. 179 1991, Sec. 1 Corporations not in compliance are in violation of that Law, and "Seven Lakes Corporation" as Respondents purported themselves to be, had no lawful authority since that Corporate entity was dissolved on November 12, 1993 and remained dissolved until December 1, 1997. 1

The misrepresentation made to Petitioner had induced Petitioner to make payment to Respondent Tisdale in the sum of $21,500.00 under the Fraud as referenced.

Further deception was then perpetrated as said Respondent Tisdale coerced Petitioner to endorse a second agreement after he had unlawfully sold two parcels of land from which the Original Agreeemnt to a third party, and in addition to the unlawful sale, "Respondent Tisdale withheld 37½% of the proceeds, apparently for himself."

The results of that unlawful act reduced the overall value of the property, while also taking one acre with Frontage on the County Road. The only remaining frontage for the entire 177.5 Acres was that with an easement to yet another third party (not properly disclosed to petitioner) and thereby reduced the 100 Foot Frontage on the Roadway to only 75 Feet; the only frontage for the entire seven parcels of land.

1 Indiana State Form 4160 Application for Reinstatement, as filed by Respondent Tisdale shows dissolved Corporation, from November 12, 1993 to December 1, 1997. Copy Lodged.

REBUTTAL OF OPINION(S)

Thusly, for reasons as aforestated and for the other reasons (unspecified herein but as shown in Petitioner's Lodgings under U. S. Dist. Court) the Order of September 14, 1998 is improper as the Petitioner's Corporate entity was lawfully and properly dissolved through the Secretary of State of Indiana, who issued a Certificate of Dissolution on September 1, 1998. That certificate was also timely filed with the U. S. District Court which ignored the status of the Petitioners as private U. S. Citizens and thusly denied the equal and proper protection under the laws as guaranteed by the U. S. Constitution for each U. S. Citizen.

The matter being appealed in that U. S. District court was from the U. S. Bankruptcy Court where the following matters are referenced in the rebuttal to Orders and actions of that Court.

During the hearing of October 21, 1997, the Debtors in the U. S. Bankruptcy Court had presented by counsel, several exhibits that were filed in open court. Each of the exhibits showed that the inspection reports from the Indiana Department of Natural Resources had indeed been provided to Respondent John E. Deuser and also to Respondent Reginald L. Tisdale, wherein the respondents were clearly and timely informed each year for several successive years, that the conditions of the principal spillway of that Dam were referenced as needing immediate repair to make the structure (Dam) safe and to prevent a failure of the dam. Respondents ignored these numerous annual inspection reports and other communication which detailed the deteriorating principal spillway of that Dam.

The Major Dam Failure of April 1995 was the direct result of such negligence by Respondents and their failure to properly maintain the Dam.

During that same October 21, 1997 hearing, Respondent John E. Deuser lied while under oath stating that he had no knowledge of such inspections as reported. This was not as documented.

REBUTTAL OF OPINION(S)

Considering the fact that the Appellants were ordered by that Court to respond within ten (10) working days from the date of entry of said order, and further considering how nearly all of that period had elapsed prior to the Appellants receiving said Order; the court was petitioned with the above facts and copies of the foregoing provided to document such.

Appellant's further cite actions by that court which are believed to be additional malfeasance as the Appellants petitioned the Court requesting clarifacation of the three (3) case numbers in the matter. Without properly providing such as was proper in the circumstances, the court dismissed the case in question, claiming that appellant's had not responded to the court as directed, however; respondents had not only responded, but had also affixed the three case numbers to each petition filed.

In yet another instance of wrongdoing of that court; the court would not honor the timely and proper filing of the petitioner who had voluntarily dissolved the Corporate Entity as there was a well pronounced conspiracy by the Counsel's Attorney Andrew D. Thomas, to defraud the Appellants of the consideration due under the Law. As other counsel was sought, each of the about 23 or more attorneys contacted, refused to provide representation, most after reviewing the case file at the courthouse. Obviously, the attorneys who had to appear before that same judge, were not in any manner going to affect their goodstanding with that judge, who by his many acts denying due process and equal protection of the laws, had clearly shown his bias against these minority litigants. There was no reason for such denials, other than the hatred for the race of these African-Americans within that area of predominance by White citizens, with the options for consideration of other such wrongs by that judge and court being plausible.

REBUTTAL OF OPINION(S)

Petitioners reference the opinion rendered by United States Bankruptcy Court (So. Dist. In- Evansville Division) Case No. 97-70476 BHL-11.

Fraud, Deception, Concealment of Material Defect, Coercion and other Bad-Faith Acts that were perpetrated upon Petitioners by Respondents were primary factors causing Petitioners to seek protection under the United States Code Chapter 11 for Reorganization.

Early in the processes of that case, Petitioners were made aware that the administration of that case was other than as prescribed by law. Among the examples of such actions are the manner in which the Petitioner's Counsel (Andrew D. Thomas, Attorney) made proper actions on behalf of the Petitioners. In the original petition, the Assets of Petitioner's Corporate Entity were properly listed in the prescribed Forms, however; Petitioner's Counsel would not and did not make issue that a manufactured home had been literally stolen from Petitioners. Such theft transpired on January 3rd, 1997 as the subject home was removed from its location. Payment was in advance until February 1, 1997 and Insurance and Taxes also paid, thusly; no lawful reason existed for the noteholder (Green-Tree Financial Services) to remove such home.

In conversation with GreenTree's office, their Collection's Manager stated that there had been a Quote: "Tax Sale" End Quote. The real fact is that there were no taxes due and in addition to that fact; "Petitioners were in posession of a Certificate from the County Treasurer which indicated that there were "No Taxes Due"; said certificate being required prior to moving the manufactured home.

Obviously, there was collusion between the Court in that County (Crawford County, Indiana) and the note holder (GreenTree) as there were no notices to Petitioners of any legal action and certainally not a Quote: "Tax Sale" e.q..

REBUTTAL OF OPINION(S)

After such testimony by Respondent John E. Deuser and after the Exhibits were presented in Open Court; the Judge (Basil H. Lorch, II) ordered a meeting in his chambers with both of the Attorneys present. Debtor's Attorney, Andrew D. Thomas and Respondent's Attorney, R. Stephen LaPlante. "Petitioners were not allowed to be present in that secret meeting," however; the actions of clandestine nature do clearly resound the wrongdoing which transpired then and there.

The Judge then ordered that the Respondent's Testimony be upheld, despite the obvious lies that had been told, as the D.N.R. Records did clearly document otherwise, proving that there were notices to John E. Deuser for several years and that he did in fact have knowledge of those inspection reports which clearly indicated the very cause of the Major Dam Failure; "The badly deteriorated Principal Spillway Piping" which was never replaced as directed by the State of Indiana D.N.R. Inspection Reports, annually for several consecutive years; To and including the 1994 Inspection, just prior to the Major Dam Failure."

How a Federal Judge can manipulate such facts into a favorable decision for a lying witness and make such admissible as evidence, beyond the evidence filed in open court, "Which proved that John E. Deuser was lying, leaves Judge Lorch open for consideration as to bribery."

Among other such plausible considerations is the fact that Judge Lorch has repeatedly denied the Petitioners, who are African American, the Constitutional Rights and the Equal Administration of the Law(s) as would be proper and as provided to other petitioners who are White and not Black as the Petitioners. His denial of the Automatic Stay, as prescribed under the U. S. Code for Chapter 13 Petitioners, is but yet another example of such unequal administration of the law(s).

REBUTTAL OF OPINION(S)

One of the most remarkable (grossly errant) denials of due consideration continues to exist as the C. T. Scan Films (which have no duplicate and can not be replaced), remain seized with the Petitioner's Personal Posessions.

Proper petitions have been made to Judge(s) in the Indiana Courts, but absolutely no consideration has been obtained. It was clearly explained by Petitioner that these items are needed for the Post-Surgrical Examinations and treatment of Petitioner Barbara Buggs, who underwent Brain-Surgery in 1988, however; the obstinate and indeed inconsiderate mindset(s) have been immovable, "even from the humanitarian and life-threatening aspects of this matter."

Petitions to the U. S. Trustee, Robert Musgrave and to the Office of the U. S. Marshall, requesting access to these items and the Winter Clothing, Money and other items for basic subsistence, were also to no avail.

Each of the lower courts are duty-bound to uphold the Constitution of the United States and to provide Equal Protection under the Law for all parties, but in Indiana, such has obviously been construed to omit persons of color (as these two African-Americans in this Case). No reasons are given by any of the courts to justify such denials and the Petitioners continue to believe that such is due to two distinct possibilities: Bribery and or Hatred For the Race and Nationality of these Petitioners.

Photographs were provided to the Courts to show the sub-freezing temperatures within the vehicle in which the petitioners have been forced to live, as they struggled day and night for the survival in such conditions. Those photographs showed the "ICE" on the inside windows as the outside temperatures reached record lows for that area, but again; "These obstinate Judges were not moved to compassion or humane decision-making in these matters." No justification made.

REBUTTAL OF OPINION(S)

How Judge Lorch could actually, as Mr. Justice Matthews stated: [with an evil eye, and with an unequal hand] consider that he had rendered a decision in accordance with the law, would in essence determine that he (Judge Lorch) was acting in accordance with his [mere will] and certainally not in accordance with the law(s).

Mr. Justice Matthews also stated that:

> "The idea that a man's livelihood depends on the mere will of another, is the essence of slavery."

Citing in the case of Yick Wo v. Hopkins, Mr. Justice Matthews further stated that:

> "Any ordinance, however fair and impartial it may appear on the surface, if it be administered "with an evil eye and an unequal hand," it becomes a denial of equal Justice.

The denials of justice in the U. S. Bankruptcy Court, where Judge Basil H. Lorch, II has rendered numerous decisions in such manners that exemplify such character and nature, are now believed to be far beyond any reasonable explanation that could be made in support of justice.

Traditionally; Southern Indiana continues to be discriminatory to persons of color, particularly African American. The result of such separatism is that of only one known African American Attorney practicing publicly in that area. Consequently, as the petitioners have attempted to obtain qualified representation there, the White Attorneys who see how Judge Lorch has clearly demonstrated his character and nature embracing discrimination against these African Americans; "There is no competent African American Counsel of the desired calibre," or other counsel.

Attempts by Petitioners to have Judge Lorch assist with Mediation or Arbitration have been without success, as have been the numerous such requests for a Change of Venue to Indianapolis, Indiana and or a Change of Judge; all denials.

REBUTTAL OF OPINION(S)

When the decision was rendered denying these two African American Petitioners exemption for their principal place of residence in the Chapter 13 Case; such a denial of Equal Administration of the Laws was clearly shown, and undoubtedly for no other reason than the "mere will of the judge, who with an evil eye and his unequal hand, denied justice; such denials now believed to be because of the hatred for the race of the petitioners, and perhaps also because of Bribery as in the case of the Late Judge Wilson." 1

When Petitioner's Counsel stated to Petitioners in his office during a scheduled meeting:

"Apparently you people don't understand how the Court System Works." Such statement was later interpreted to be a solicitation for Bribery.

Since the Petitioners did not have the genuine representation of Attorney Andrew D. Thomas, his representation was withdrawn voluntarily; such being after he had created numerous and continual injuries for his clients; all of which deserve censure.

In more than one instance, while in open court; Petitioners expressed objection through Attorney Thomas, but Thomas simply said nothing; Not a single word. As petitioners would openly make such objections, the Judge (Judge Lorch) would quickly divert the objection into a question and simply deny the objection as if it was never made.

1 A Seventh Circuit Judge reportedly accepted a bribe of $10K in the matter before him to acquit a murder defandant. Later discovering that another person had also recieved $10K for a part in that acquittal; there was a confrontation with the acquitted who refused to pay an additional sum to the Judge.

In fear of being exposed, Judge Wilson reportedly shot himself (committing suicide) in his backyard.

Those dissenting from belief that departure from the normal courses of adjudication transpires should read this.

REBUTTAL OF OPINION(S)

Reference December 21, 1998 decision rendered by Indiana Supreme Court, 217 State House Indianapolis, IN 46204.

Case Number 63S00-9812-OR-00812 on appeal from Pike Circuit Court, Petersubrg, IN, by way of Vanderburg Circuit Court, Evansville, IN. Pike Circuit Court Case No. 63C019806CP127.

A letter accompanying that appeal was also addressed to the Administrator of that court, to disclose the Emergency Conditions existing for the petitioners.

Petitioners were locked out of the home that was purchased and paid for by Petitioner after the Judge presiding over the Chapter 13 re-organization departed from prescribed procedure and denied the stay which should have exempted the Principal Place of Residence for petitioners.

The Supremacy Clause in Article VI of the U. S. Constitution, Federal Laws, and treaties "The Supreme Law of the Land."

Under this clause, State Courts may not interpret the Bill of Rights, or any other constitutional provision, differently than does the Supreme Court. States may not provide less protection for individual liberties than is provided under the federal Constitution. 1

Tenth and Eleventh Amendments to the U. S. Constitution provide further reason for that appeal as the State and Federal Governments share sovereignty and jurisdiction. 2

1 Petitioners were rendered "Homeless" subsequent to the "Perjured Testimony under oath in Federal Court by Respondent John Deuser, The Federal Court Judge that allowed such unequal administration of the Law violated petitioner's Constitutional Rights and erred in the Administration of Justice." No reason was given for this errant decision as would have been in compliance with any law and petitioners believe that the Judge ruled subsequent to two possible reasons: Bribery and or Racial Discrimination.

2 Although Federal Judge Basil H. Lorch stated that he could not rule concerning Constitutional Rights, denial of such equal protection was additional departure from Justice.

REBUTTAL OF OPINION(S)

Opinion Rebutted:

Pike County Indiana Circuit Court
Courthouse, 3rd Floor
Petersburg, Indiana 47567
Case number 63C01-9806-CP-127
Marvin J. Stratton, Judge

Pike County Indiana's Circuit Court at Petersburg, Indiana continues to carry the outlawed traditions of that predominantly white area that are declared unlawful by various Civil Rights Laws and refuses to respond to Petitioner's who cited such unlawful acts.

During the month of January, 1998; Petitioners went to the subject courthouse for a scheduled hearing in a civil matter and were indeed quite "Stunned" to be confronted with racially degrading buffonery upon the entrance doors of that courthouse. The buffonery was intended to mimic Dr. Martin Luther King, Jr., rather than to simply announce the closure of that Courthouse for the Federal Holiday Commemorating the Birthday of the Slain Civil Rights Honoree.

Although Black Sambo figurines are commonly displayed upon many business and private places as many Die-Hard Racists proudly exemplify their Mind-Sets; The United States Constitution does in fact Guarantee Equal Protection under the Law for U. S. Citizens, "in all Goverment places."

The Supremacy Clause of Article VI makes the Constitution, federal laws and treaties, "the Supreme Law of the Land." Under this clause, the State Courts may not interpret the Bill of Rights or any other constitutional provision, differently than does the Supreme Court. States may not provide less protection for individual liberties than is provided under the Federal Constitution.

Such interpretations of law have been struck-down since the middle of the Twentieth Century throughout most of this nation, however; Pike County Indiana openly defied such Federal Law(s) while being recipient to Federal Funding in 1998.

REBUTTAL, Pike County Indiana Circuit Court
Continued

In Brown v. Board of Education, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954) The Supreme Court ceased to permit State-Implemented Racial Segregation. Then, in great numbers of other decisions, the Court struck-down Racial Segregation on a broad-based sweep across the entire jurisdiction of this nation.

African-Americans and other persons of color are further protected by Law under Title VII of The Civil Rights Act of 1964, (Pub. L. No. 88-352). Further protection within states under the Fourteenth Ammendment to the U. S. Constitution enables persons of color to be protected from racial discrimination, including Courthouse Buffonery to intimidate and otherwise discriminate against African Americans, as in this case.

Further ruling by The High Court has authorized individuals to enforce the provisions of the Fourteenth Ammendment against State Governments.

Petitioners in this case to the High Court have experienced injuries through such unlawful segregationist tactics. Unequal administration of the law(s) has occurred as the Pike Circuit refused to accept the response due in this above captioned case, returning such as purportedly unsigned but with distinctly different paper than the copy filed with the court. Petitioner's copy (which is a second generation copy of the original) shows that the response filed with that court was also endorsed. 1

The note accompanying that return was further attempt to explain-away the situation that they had created in pretext, while all such is simply further illustration of existence of the inherently unequal segregation within that court.

1 Response to Pike Circuit Court tampered with by court and returned as unsigned. Resultant effect created unjust enrichment for Respondents in this case with about $100,000.00 and effected seizure of assets and home of Petitioners while rendering petitioners "Homeless" through such "Hate Crimes."

REBUTTAL OF OPINION(S)

Respondents, who are white, did knowingly and deliberately make false statements and such misrepresentations to the Court(s) in order to contrive ways and means for retaking the real property which they agreed to sell to these two African-American Petitioners. 1

The two shooting incidents upon the property in which there were shots fired at Petitioners and the threat of arson and the numerous incidents of treapassing, most of which the trespassers announced the same name person (the would-be arsonist) Tim Richardson, had sent them, has created situations too involved to be related in this petition, however; the connection between the Law enforcement persons, who did not respond to the first shooting incident, and the connection with the party(ies) which now occupy the property and which have reportedly made a threat to the petitioner, leaves much room for adjudication as prescribed under the laws of this nation. Such upheld by Indiana's Supreme Court!

The Powerfully degrading Buffonery so openly displayed upon the Doors of the Petersburg, IN Courthouse, clearly show that the [Institution of Segregation] is indeed alive and well in that State. Of further mention is the fact that the Judge failed to respond to a letter addressing matters of such degredation to Minorities and others who would support the concept of Non-Violence as presented by Dr. Martin Luther King, Jr. and the Southern Christian Leadership Conference. Constitutional & Human Rights violated.

Such activities be the Court(s) and the Respondents have obtained such manipulated Court decisions, while departing from the normal course of adjudication. The violations of Title VII, The Civil Rights Act of 1964, P. L. 88-352, continue.

1 The Supreme Court declared that [The Institution of Segregation is inherently unequal.] All the while, Indiana Judges in each court in these matters have defied Laws to establish such unjust enrichment for the White Respondents.